

EXHIBIT A

727695

Receipt Number: 872027
Tracking Number: 73660381

EML
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CAUSE NUMBER: 201957549

PLAINTIFF: BABINEAUX, JIMMY

In the 333rd Judicial

vs.

District Court of

DEFENDANT: CERTAIN UNDERWRITERS AT LLOYDS
LONDON

Harris County, Texas

CITATION

THE STATE OF TEXAS
County of Harris

TO: CERTAIN UNDERWRITERS AT LLOYDS LONDON (AN INSURANCE COMPANY) BY SERVING ITS
REGISTERED AGENT MENDES & MOUNT LLP
750 SEVENTH AVENUE
NEW YORK NY 10019-6829

Attached is a copy of PLAINTIFFS ORIGINAL PETITION FIRST SET OF INTERROGATORIES
REQUESTS FOR PRODUCTION AND REQUESTS FOR ADMISSION TO DEFENDANT.

This instrument was filed on August 19, 2019, in the above numbered and styled cause
on the docket in the above Judicial District Court of Harris County, Texas, in the
courthouse in the City of Houston, Texas. The instrument attached describes the claim
against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not
file a written answer with the District Clerk who issued this citation by 10:00 a.m.
on the Monday next following the expiration of twenty days after you were served this
citation and petition, a default judgment may be taken against you.

ISSUED AND GIVEN UNDER MY HAND and seal of said Court, at Houston, Texas, this
August 21, 2019.



Marilyn Burgess

Marilyn Burgess, District Clerk
Harris County, Texas
201 Caroline, Houston, Texas 77002

Generated By: JOSHUA HALL

Issued at request of:
WEXLER, NOAH MICHAEL
6009 MEMORIAL DRIVE
HOUSTON, TX 77007
713-222-3800

Bar Number: 24060816

Tracking Number: 73660381
EML

CAUSE NUMBER: 201957549

PLAINTIFF: BABINEAUX, JIMMY

vs.

DEFENDANT: CERTAIN UNDERWRITERS AT LLOYDS
LONDON

In the 333rd

Judicial District Court

of Harris County, Texas

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock _____. M., on the _____ day of _____, 20____.

Executed at (address) _____
in _____ County
at _____ o'clock _____. M., on the _____ day of _____, 20____,

by delivering to _____ defendant,
in person, a true copy of this
Citation together with the accompanying _____ copy(ies) of the
_____ Petition
attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this _____ day of _____, 20____.

FEE: \$ _____

_____ of _____

County, Texas

Affiant By: _____ Deputy

On this day, _____, known to me to be
the person whose signature
appears on the foregoing return, personally appeared. After being by me duly sworn,
he/she stated that this citation was executed by him/her in the exact manner recited
on the return.

SWORN TO AND SUBSCRIBED BEFORE ME on this _____ of _____, 20____

Notary Public

8/19/2019 2:30 PM
Marilyn Burgess - District Clerk Harris County
Envelope No. 36078692
By: Joshua Hall
Filed: 8/19/2019 2:30 PM

CAUSE NO. _____

JIMMY & SHERRY BABINEAUX,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
vs.	§	HARRIS COUNTY, TEXAS
	§	
CERTAIN UNDERWRITERS AT LLOYDS,	§	
LONDON	§	
	§	
Defendant.	§	_____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Jimmy and Sherry Babineaux ("Plaintiffs"), Plaintiffs herein, file this Original Petition against Defendant Certain Underwriters at Lloyds, London ("Underwriters") and, in support of his causes of action, would respectfully show the Court the following:

I.

THE PARTIES

1. Jimmy and Sherry Babineaux are Texas residents who reside in Harris County, Texas.
2. Underwriters is an insurance company doing business in the State of Texas which may be served through its registered agent for service of process in the State of Texas, Mendes & Mount, LLP, via certified mail at 750 Seventh Avenue, New York, New York 10019-6829.

II.

DISCOVERY

3. This case is intended to be governed by Discovery Level 2.

III.

CLAIM FOR RELIEF

4. The damages sought are within the jurisdictional limits of this court.

IV.
JURISDICTION AND VENUE

5. This court has subject matter jurisdiction of this cause of action because it involves an amount in controversy in excess of the minimum jurisdictional limits of this Court. No diversity of citizenship exists in this matter.

6. Venue is proper in Harris County because all or a substantial part of the events or omissions giving rise to the claim occurred in Harris County. TEX. CIV. PRAC & REM CODE § 15.002(a)(1). In particular, the loss at issue occurred in Harris County.

V.
FACTUAL BACKGROUND

7. Jimmy and Sherry Babineaux are named insureds under a property insurance policy issued by Underwriters.

8. On or about August 22-29, 2017 Hurricane Harvey hit the Texas coast, including the Houston, Texas area, damaging the Babineauxs' house and other property located at or about 6414 Heron Dr., Houston, Texas 77087. The Babineauxs subsequently filed a claim on their insurance policy.

9. Defendant improperly denied and/or underpaid the claim.

10. The adjuster assigned to the claim conducted a substandard investigation and inspection of the property, prepared a report that failed to include all of the damages that were observed during the inspection, and undervalued the damages observed during the inspection.

11. This unreasonable investigation led to the underpayment of Plaintiffs' claim.

12. Moreover, Underwriters performed an outcome-oriented investigation of Plaintiffs' claim, which resulted in a biased, unfair and inequitable evaluation of Plaintiffs' losses on the property.

VI.

CAUSES OF ACTION

13. Each of the foregoing paragraphs is incorporated by reference in the following:

A. Breach of Contract

14. Underwriters had a contract of insurance with Plaintiffs. Underwriters breached the terms of that contract by wrongfully denying and/or underpaying the claim and Plaintiffs were damaged thereby.

B. Prompt Payment of Claims Statute

15. The failure of Underwriters to pay for the losses and/or to follow the statutory time guidelines for accepting or denying coverage constitutes a violation of Section 542.051 *et seq.* of the Texas Insurance Code.

16. Plaintiffs, therefore, in addition to Plaintiffs' claim for damages, are entitled to interest and attorneys' fees as set forth in Section 542.060 of the Texas Insurance Code.

C. Bad Faith

17. Defendant is required to comply with Chapter 541 of the Texas Insurance Code.

18. Defendant violated Section 541.051 of the Texas Insurance Code by:

(1) making statements misrepresenting the terms and/or benefits of the policy.

19. Defendant violated Section 541.060 by:

- (1) misrepresenting to Plaintiffs a material fact or policy provision relating to coverage at issue;
- (2) failing to attempt in good faith to effectuate a prompt, fair, and equitable settlement of a claim with respect to which the insurer's liability had become reasonably clear;
- (3) failing to promptly provide to Plaintiffs a reasonable explanation of the basis in the policy, in relation to the facts or applicable law, for the insurer's denial of a claim or offer of a compromise settlement of a claim;
- (4) failing within a reasonable time to affirm or deny coverage of a claim to Plaintiffs or submit a reservation of rights to Plaintiffs; and
- (5) refusing to pay the claim without conducting a reasonable investigation with respect to the claim;

20. Defendant violated Section 541.061 by:

- (1) making an untrue statement of material fact;
- (2) failing to state a material fact necessary to make other statements made not misleading considering the circumstances under which the statements were made;
- (3) making a statement in a manner that would mislead a reasonably prudent person to a false conclusion of a material fact;
- (4) making a material misstatement of law; and
- (5) failing to disclose a matter required by law to be disclosed.

21. Defendant knowingly committed the acts complained of. As such, Plaintiffs are entitled to exemplary and/or treble damages pursuant to Texas Insurance Code Section 541.152(a)-(b).

D. Attorneys' Fees

22. Plaintiffs engaged the undersigned attorney to prosecute this lawsuit against Defendant and agreed to pay reasonable attorneys' fees and expenses through trial and any appeal.

23. Plaintiffs are entitled to reasonable and necessary attorney's fees pursuant to Texas Civil Practice and Remedies Code Sections 38.001-38.003 because they are represented by an attorney, presented the claim to Defendant, and Defendant did not tender the just amount owed before the expiration of the 30th day after the claim was presented.

24. Plaintiffs further pray that they be awarded all reasonable attorneys' fees incurred in prosecuting his causes of action through trial and any appeal pursuant to Sections 541.152 and 542.060 of the Texas Insurance Code.

VII.

CONDITIONS PRECEDENT

25. All conditions precedent to Plaintiffs' right to recover have been fully performed, or have been waived by Defendant.

VIII.

DISCOVERY REQUESTS

26. Pursuant to Rule 194, you are requested to disclose, within fifty (50) days after service of this request, the information or material described in Rule 194.2(a)-(l).

27. You are also requested to respond to the attached interrogatories, requests for production, and requests for admissions within fifty (50) days, in accordance with the instructions stated therein.

IX.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Jimmy and Sherry Babineaux pray that, upon final hearing of the case, they recover all damages from and against Defendant that may reasonably be established by a preponderance of the evidence, and that they be awarded attorneys' fees through trial and appeal, costs of court, pre-judgment interest, post-judgment interest, and such other and further relief, general or special, at law or in equity, to which they may show themselves to be justly entitled.

Respectfully submitted,

ARNOLD & ITKIN LLP

/s/ Noah M. Wexler

Noah M. Wexler
State Bar No. 24060816
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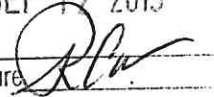
ATTORNEYS FOR PLAINTIFFS

MEENDES & MOUNT LLP
RECEIVED

SEP 12 2019

Name

Signature

A handwritten signature in black ink, appearing to be "R. M.", is written over a horizontal line. The signature is stylized and cursive.